HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 585 of 2003

12-07-2006

Between:
Addagarla NAGADURGA, W/O Suribabu, 30 Years, cultivation, R/o Munamarru village, Penugonda Mandal, West Godavari District.

..... PETITIONER

AND

1 The Assistant Executive Engineer, Irrigation Department, Marteru, West Godavari District and another.

.....RESPONDENTS

HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 585 of 2003

O R D E R:

This writ petition has been filed by Addagarla Nagadurga against the respondents-Assistant Executive Engineer and Mandal Revenue Officer questioning their action in interfering with his right to transplant the crops raised in his lands with the water that is being drawn from the filter point dug in his lands.

The case of the petitioner, as can be seen from the affidavit filed in support of the petition, in brief, is:

The petitioner is the owner of an extent of Ac.1.00 in R.S.No.19/1 of Manamarru village, Penugonda Mandal, West Godavari District. It is stated that apart from his paatta lands, he is also cultivating the lands of others on lease. His grievance is that the respondents are trying to interfere with drawing water from his bore well. Therefore, he resorted to invoke the jurisdiction of this Court under Article 226 of the Constitution of India with the prayer stated supra.

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation.

No material has been placed before the Court that the petitioner is raising wet crops in his lands. Since it is the case of the petitioner that he is drawing water from his private source of irrigation i.e. from his bore well,

I deem it appropriate to dispose of the writ petition giving liberty to the petitioner to make a representation to the respondents informing the same with necessary proof thereof and on such representation, the respondents have to pass necessary orders.

With the above direction, this writ petition is disposed of. No costs.

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12-07-2006

Mjl/*